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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WEIRAN ZHAO, ) Case No.: C 06-6840 PVT

Plaintiff, )

v. )

MICHAEL CHERTOFF, et al., )

Defendants. )

**ORDER REMANDING CASE TO THE UNITED  
STATES CITIZENSHIP AND IMMIGRATION  
SERVICES WITH DIRECTIONS TO  
ADJUDICATE PLAINTIFF'S APPLICATION  
WITHIN 30 DAYS OF ENTRY OF THIS  
ORDER**

On November 27, 2006, Plaintiff, appearing *pro se*, and Defendants filed a stipulation and proposed order to dismiss.<sup>1</sup> All parties have consented to Magistrate Judge jurisdiction. This court issued an order to show cause why the case should not be remanded to the United States Citizenship and Immigration Services ("CIS") with directions to adjudicate Plaintiff's application for naturalization by January 19, 2007. Defendants responded to said order on November 30, 2007, and noted that the stipulation included an offer by Defendants to adjudicate the application sooner than the January 19, 2007 deadline suggested by the court. Based on the file herein,

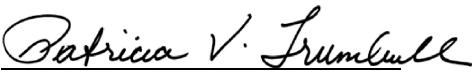
IT IS HEREBY ORDERED that this case be, and hereby is, REMANDED to the CIS with directions to adjudicate Plaintiff's application for naturalization within 30 days of entry of this order. The court agrees with Defendant that more immediate action is preferable. However, dismissal would leave Plaintiff in the position of paying another filing fee if the CIS fails to timely adjudicate

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<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 her application. Absent any countervailing considerations, and Defendants cite none, remand is thus  
2 a preferable procedure for returning this matter to the jurisdiction of the CIS.

3 Dated: 11/30/06

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5 PATRICIA V. TRUMBULL  
6 United States Magistrate Judge

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CORINNE LEW  
Courtroom Deputy

# United States District Court